

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Heinrich Bollmann, et al.

Serial No. : 09/456,371

Group Art Unit: 1794

Docket No. : 12010

Examiner: Victor S. Chang

Filed : December 8, 1999

Title COMPOSITE ELEMENTS COMPRISING (I) THERMOPLASTIC
POLYURETHANE AND (II) MICROCELLULAR POLYURETHANE
ELASTOMERS

NOTICE OF APPEAL

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Dear Sir:

Applicant hereby appeals from the Examiner's Final Rejection mailed June 5, 2008. As set forth in MPEP 1204.01 and in compliance with 37 CFR 41.20, any previously paid appeal fees will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal.

Currently, the fee associated with a Notice of Appeal is \$510.00. Previously on September 17, 2003, Applicant filed a Notice of Appeal and the fee of \$320.00. This appeal was voluntarily dismissed by Applicant by filing a Request for Continued Examination (RCE) on November 14, 2003.

On July 26, 2004, Applicant again filed a Notice of Appeal with the fee of \$330.00. On August 25, 2005 the Applicant filed a second Request for Continued Examination (RCE) and voluntarily dismissed the pending appeal.

On February 26, 2007, Applicant again filed a Notice of Appeal and submitted no Appeal fee as the prior Appeals did not result in a final Board decision. After filing the Appeal Brief on February 26, 2007, prosecution was reopened via a Non-Final Rejection on October 3, 2007 due to an Examiner error in the Final Office Action of September 25, 2006. Thus, no final Board decision was rendered.

As the Applicant has previously paid a total of \$650.00 and since no final board decision was reached in conjunction with any of the prior appeals, Applicant believes no fee is due. However should a fee in fact be due, the Commissioner is hereby authorized to charge such fees or credit any overpayment to Deposit Account No. 08-2789 in the name of Howard & Howard Attorneys, P.C.

Respectfully submitted,

HOWARD & HOWARD ATTORNEYS, P.C.

Dated: September 5, 2008

/KRISTOPHER K. HULLIBERGER/

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